



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Michael O. Leavitt
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Division Director

October 11, 2002

CERTIFIED RETURN RECEIPT
7099 3400 0016 8895 4845

Bret Clark
Hub Research and Development
377 West 1500 South
Salt Lake City, Utah 84115

Re: Notice of Non-Compliance, Hub Research and Development Company, Bret Clark Mine, S/015/043, Emery County, Utah

Dear Mr. Clark:

This letter provides formal notice that mining operations at the Bret Clark Mine (S/015/043), located in Emery County, Utah, are being conducted in violation of the Utah Mined Land Reclamation Act, 40-801 et. seq. (Act) and the Minerals Program Administrative Rules, sections R647-1 through R647-5.

A site inspection was performed on September 26, 2002, which confirmed that two of the portals for this underground operation have not been secured. The mine appears to be inactive, and the Division considers the portals to be in an unsafe condition.

Findings of Non-Compliance

Hub Research and Development Company operates the Bret Clark Mine which is currently inactive. An inspection conducted September 26, 2002, revealed that two of the portals have not been secured. Regulation R647-3-112 requires that all mine operations be maintained in a safe condition. The Division does not consider these open portals to be safe.

Location of Non-Compliance

Disturbances associated with Hub Research and Development Company's Bret Clark Mine are located in the NW1/4 of Section 26, Township 22 South, Range 6 East, SLBM, Emery County, Utah.

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Bret Miller
S/015/043
October 11, 2002

Mitigation Requirements:

Within 30 days of receipt of this letter, Hub Research and Development Company must securely gate and lock, backfill, or otherwise seal the portals associated with the Bret Clark Mine to prevent unauthorized entry. The operator must also formally notify the Division when the portal closure work has been completed.

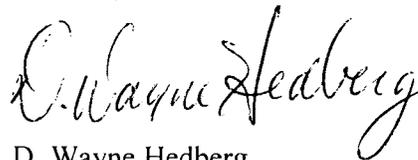
Penalties for Failure to Comply

1. Hub Research and Development Company's failure to resolve this Notice of Non-compliance within the timeframes set forth in this letter will result in the filing of a formal Notice of Agency Action. This enforcement action could require the operator to appear at an informal hearing before the Division Director, or a formal hearing before the Board of Oil, Gas and Mining. Following public notice and formal hearing, the Board may issue an abatement or compliance Order which may require: revocation of the existing permit and immediate reclamation of the site; and/or other lawful requirements as authorized under the Act.
2. The Board may also ask the County prosecutor or attorney general to bring suit against the operator to enforce its Orders and to seek assessment of appropriate penalties, not to exceed \$10,000 for each knowing or willful violation of the Act.

If you wish to contest this Notice of Non-Compliance, you may contact the Division to schedule an informal meeting with the Associate Director of Mining and members of the Minerals Program staff. If you choose to appeal this Notice and arrange an informal meeting, please contact Vickie Southwick, Executive Secretary, at (801) 538-5304, within 10 days of your receipt of this notice.

If you have any questions regarding the requirements of this letter, please contact me at (801) 538-5286, or Paul Baker at 801-538-5261. Thank you for your immediate attention to this matter.

Sincerely,



D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

jb
Enclosure: Inspection Report
cc: Dean Nyffeler and Jeff McKenzie, BLM
Mary Ann Wright, Associate Director
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